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U.S. DISTRICT COURT
DISTRICT OF MASS.

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September 10, 2004

VIA HAND DELIVERY

Judge Mark L. Wolf
United States District Court
For the District of Massachusetts
1 Courthouse Way – Room 5110
Boston, MA 02210

Re: *Serono, Inc. v. Ferring Pharmaceuticals, Inc.*
Civil Action No.: 02-11832 MLW
Serono, Inc., and Industria Farmaceutica Serono SpA
v. Ferring Pharmaceuticals, Inc.
Civil Action No: 04-10305 MLW

Your Honor:

Serono is pleased to inform the Court that the parties in the above captioned actions have reached a settlement in principle, which covers all four (4) patents in suit. Based upon the number of patents involved, and other issues, Serono anticipates that it may take several weeks to fully document the transaction, after which the parties will file a Stipulation of Dismissal in each case. Serono therefore anticipates that it will be conferring with Ferring for the purpose of filing a joint motion to extend the current stay of these matters by thirty (30) days – i.e. from September 20 2004 until October 20, 2004. Should that fail, Serono anticipates filing a motion seeking a thirty (30) day extension of the stay for the reasons set forth above.

Respectfully submitted,

Fred A. Kelly, Jr.
Attorney for Serono

FAK:vlb

cc: Brian P. Akers
Michael Gass

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